

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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VARDELL HUGHES,

Plaintiff,

18 **CIVIL** 9380 (MKV)

-against-

**JUDGMENT**

THE CITY OF NEW YORK, NEW YORK CITY  
POLICE OFFICER STEPHEN MALVAGNA,  
JOHN CAMPANELLA, LIEUTENANT CARLOS  
FABARA, AND OFFICERS JOHN DOES 1-5, in  
their individual and official capacities,

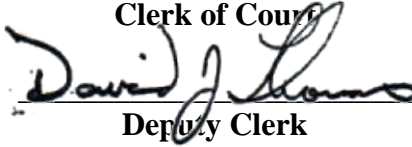
Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated September 21, 2021, Defendants' motion for summary judgment is GRANTED and Plaintiff's motion for spoliation sanctions is GRANTED IN PART AND DENIED IN PART; the City of New York and the New York City Law Department shall pay the expenses, including attorneys' fees and out-of-pocket costs, reasonably incurred by Plaintiff as a result of their failure to preserve the photographs on Officer Malvagna's cell phone, the 911 calls, and the radio transmissions, including the fees and costs reasonably incurred to discover the spoliation, to investigate what happened to the destroyed ESI, to raise and address issues regarding the spoliation of the ESI with Defendants and the Court, and to prepare to litigate the motion leading to the portion of this Memorandum Opinion and Order addressing spoliation sanctions. The monetary sanctions shall be imposed jointly and severally upon the City and the Law Department; judgment is entered for defendants.

**Dated:** New York, New York  
September 21, 2021

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk